

BOARD OF SUPERVISORS

MINUTES

November 22, 2005

Supervisors in Attendance:

Mr. Edward B. Barber, Chairman
Mr. R. M. "Dickie" King, Jr.,
Vice Chairman
Mrs. Renny Bush Humphrey
Mr. Kelly E. Miller
Mr. Arthur S. Warren

Mr. Lane B. Ramsey
County Administrator

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Mr. Craig Bryant, Dir.,
Utilities
Ms. Marilyn Cole, Asst.
County Administrator
Mr. Richard Cordle,
Treasurer
Mr. Charles Dane, Asst.
Dir., External Services
Mr. Jonathan Davis,
Real Estate Assessor
Ms. Rebecca Dickson, Dir.,
Budget and Management
Mr. James Dunn, Int. Dir.,
Economic Development
Mr. William Dupler,
Building Official
Mr. Robert Eanes, Asst. to
the County Administrator
Ms. Lisa Elko, CMC,
Clerk
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Lawrence Haake, III,
Registrar
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Joseph A. Horbal,
Commissioner of Revenue
Mr. Thomas E. Jacobson,
Dir. of Revitalization
Mr. Louis Lassiter, Dir.,
Internal Audit
Ms. Mary Lou Lyle, Dir.,
Accounting
Mr. Michael Mabe, Dir.,
Libraries
Chief Paul Mauger,
Fire and EMS Dept.
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney

Mr. Francis Pitaro, Dir.,
General Services
Ms. Karen Russell, Dir.,
Risk Management
Ms. Chris Ruth, Asst. Dir.,
Public Affairs
Mr. Dean Sasek, Asst.
Right-of-Way Manager
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Kirk Turner, Dir.,
Planning

Mr. Barber called the regularly scheduled meeting to order at 4:06 p.m.

1. APPROVAL OF MINUTES FOR NOVEMBER 9, 2005

On motion of Mr. King, seconded by Mr. Barber, the Board approved the minutes of November 9, 2005, as submitted.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

2.A. CHESTERFIELD SENIOR VOLUNTEER HALL OF FAME RECOGNITION

Mr. Ramsey introduced Ms. Gail Sutler, Chesterfield Senior Volunteer Hall of Fame Committee Chair.

Ms. Sutler recognized Mrs. Viola H. Clark, the late Mrs. Jeanne M. Harrison and Mr. John C. Phillips who were inducted as members of the Chesterfield Senior Volunteer Hall of Fame on October 27, 2005. She thanked the Board for its support of the Hall of Fame.

Mr. Phillips expressed appreciation to the Volunteer Hall of Fame Committee for the honor.

Mr. Richard Harrison thanked the Board, on behalf of his wife, for recognizing her service.

(It is noted Mrs. Clark was unable to attend the meeting due to illness.)

2.B. COMPREHENSIVE ANNUAL FINANCIAL REPORT PRESENTATION

Mr. Ramsey introduced Ms. Elizabeth Foster, engagement partner from KPMG, LLP.

Ms. Foster stated the FY2005 audit is officially complete, and all opinions issued were unqualified. She further stated the audit of federal funds revealed two exceptions which have been reported, but they are not believed to be of great concern.

Mr. Miller thanked Ms. Foster for her efforts in the auditing process. He expressed appreciation to Accounting and Internal Audit staff for their diligence throughout the year that enables the county to receive favorable audit reports. He stated a formal charter has been discussed outlining the roles and responsibilities of the Budget and Audit Committee, and staff has been directed to develop a draft charter for the Board's consideration at its organizational meeting on January 11, 2006.

Mr. Ramsey commended all staff involved in the audit process for outstanding performance.

3. BOARD COMMITTEE REPORTS

Mr. Miller stated he appeared before the Special Study Commission of the General Assembly relating to group homes on November 17, 2005 and presented the county's concerns. He further stated 50 percent of all youth group homes in the state are located in the Richmond Metropolitan area; 28 to 30 percent of them are in Chesterfield County; and 15 percent of all the group homes in the state are located in the Dale District. He expressed concerns relative to the impact the group homes have on the county's schools, police and other services.

Mr. King stated he, Mr. Barber and Mr. Miller were present at the November 14, 2005 announcement of Northrop Grumman locating in the county at the Meadowville Technology Park. He further stated the facility will employ over 600 people, and he believes it is the spark that will ignite growth in the Meadowville Tract.

Mrs. Humphrey stated she is pleased to have attended all three of the Little League Football championship games in the county. She further stated several youth groups associated with the Chesterfield Quarterback League collected donations and will be sending 50 new football helmets to Louisiana for Hurricane Katrina victims. She requested that a resolution be presented commending their efforts.

Mr. King noted that Matoaca, Meadowbrook and L.C. Bird High football teams are all in the regional playoffs. He congratulated each of the schools on an excellent season.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. Miller, seconded by Mr. King, the Board replaced Item 8.B.7., Approval of a Wetlands Mitigation Agreement with Graycole, LLC for the Airport Ramp Extension Project; added Item 8.B.8.a., Transfer of District Improvement Funds from the Bermuda District Improvement Fund to the Parks and Recreation Department to Purchase Supplies to Replace an Observation Deck that was Destroyed by Hurricane Isabel with a Handicapped Accessible Observation Deck at Chester Station Camp #1503, a Historic Civil War Site; added Item 8.B.8.b., Transfer of District Improvement Funds from the Bermuda District Improvement Fund to the Police Department for traffic control during the Chester

Kiwanis Club's Christmas Parade; added Item 8.B.8.c., Transfer of District Improvement Funds from the Midlothian District Improvement Fund to the Chesterfield County Department of Public Affairs to Purchase a Two-Sided Banner to Promote the Selection of the Village of Midlothian and the Surrounding Area as the "37th Best Place to Live in America"; added Item 8.B.9., Amend the Parcel Listing for the Board of Supervisors Initiated Rezoning of the 288 Corridor Included in the Agenda Item of May 25, 2005 and the Subsequent Items on August 24, 2005 and October 26, 2005; replaced Item 10.B., Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; added Item 10.D., Closed Session Pursuant to Section 2.2-3711(A)(7), Code of Virginia, 1950, as Amended, for Consultation With Legal Counsel on Specific Legal Matters Regarding a Sewer Back-Up Claim in Creekwood Subdivision; and adopted the budget as amended.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

O RECOGNIZING MR. ROBERT OLSEN AND MR. WOLFGANG WEBNER FOR THEIR SERVICE TO THE BOARD OF BUILDING CODE APPEALS AND THE COUNTY

Mr. Dupler introduced Mr. Robert Olsen who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Board of Building Code Appeals was established in 1973 by the Board of Supervisors for the purpose of hearing appeals regarding the proper application of provisions of the Virginia Uniform Statewide Building Code, and subsequently expanded to include appeals regarding proper application of the Virginia Statewide Fire Prevention Code; and

WHEREAS, the Board resolved numerous appeals cases providing those aggrieved an opportunity for due process regarding the application of the Virginia Uniform Statewide Building Code and the Virginia Statewide Fire Prevention Code; and

WHEREAS, Mr. Robert Olsen and Mr. Wolfgang Webner were appointed as members of the Board of Building Code Appeals in August of 1993, and have continuously served the citizens of Chesterfield with distinction since their appointment; and

WHEREAS, Mr. Olsen served as Chairperson of the Board of Building Code Appeals and worked with the secretariat to schedule appeals cases, provided leadership to the Board of Building Code Appeals and brought forth policy recommendations to the Board of Supervisors from the Board of Building Code Appeals; and

WHEREAS, both Mr. Olsen and Mr. Webner also served with distinction on the Commission on Soils and Foundations, which was established to investigate problem soils and make recommendations to the Board of Supervisors regarding

practical approaches to assist homeowners improve construction and inspection of footings/ foundations; and

WHEREAS, the Commission's recommendations led to development of the Shrink Swell Soil Assistance Program that was implemented to assist homeowners throughout the county; and

WHEREAS, Mr. Olsen and Mr. Webner have contributed greatly to the Chesterfield community by lending their expertise in construction, as well as their time, energies, and talents to the benefit of the citizenry of the county.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 22nd day of November 2005, publicly recognizes and commends Mr. Robert Olsen and Mr. Wolfgang Webner for their dedicated and outstanding service to the citizens of Chesterfield County.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mr. Olsen and Mr. Webner and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Barber presented the executed resolution to Mr. Olsen and expressed appreciation for the expertise he provided as a member of the Board of Building Code Appeals.

Mr. Olsen expressed appreciation to various members of staff for their assistance during his tenure on the Board of Building Code Appeals, and to members of his family for their support of his service as well as the community service that they provide.

(It is noted Mr. Olsen also accepted Mr. Webner's resolution, as he was unable to attend the meeting.)

6. WORK SESSION

O COMMITTEE ON THE FUTURE'S 2005 REPORT ON GREEN INFRASTRUCTURE

Mr. Ed DeGennaro, Chairman of the Committee on the Future, recognized members of the committee who were present at the meeting. He then presented the Board with highlights of the committee's current report titled "Green Infrastructure: Protecting Resources for Future Generations," which focuses on open space, natural resources and historic sites. He provided data and information that has led to a growing concern for losses of open space, natural resources and heritage sites and reviewed actions that have been generated to address these losses. He stated the committee believes the most important thing for the county over the next 50 years is to develop and implement a green infrastructure plan and incorporate it into the county's strategic plan. He requested that the Board endorse the concept of a green infrastructure plan and provided suggestions for overcoming the obstacles of providing a green infrastructure plan. He stated a properly created plan will provide economic,

environmental and societal benefits. He further stated the Committee on the Future's recommendations include communicating the vision, developing a green infrastructure plan, and committing the necessary resources.

Mr. Warren expressed concerns relative to information provided by Mr. DeGennaro indicating that the water quality was fair or poor at 60 percent of the sites tested in the Falling Creek and Powhite watersheds.

Mr. Miller stated he supports the green infrastructure concept and believes it is just as important as the county's economic development plan.

Mr. King stated he agrees that green infrastructure is not just an environmental issue, but an economic issue as well, indicating that he supports the Committee on the Future's recommendations.

Mrs. Humphrey stated she just recently became aware that the county does not have a list of its historical sites and requested that Mr. Ramsey direct staff to complete the list.

Mr. Barber stated the next step is for Mr. Ramsey to get feedback from staff regarding the report and then provide the Board with details of how to implement the Committee on the Future's recommendations. He thanked Mr. DeGennaro and members of the committee for their dedication to the future of the county.

Mr. Miller excused himself from the meeting.

7. DEFERRED ITEMS

There were no deferred items at this time.

8. NEW BUSINESS

8.A. APPOINTMENTS

On motion of Mrs. Humphrey, seconded by Mr. King, the Board suspended its rules at this time to allow for simultaneous nomination/appointment of members to serve on the Disability Services Board and the Agriculture and Forestry Committee.

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

8.A.1. DISABILITY SERVICES BOARD

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board repositioned Reverend Charles Jackson from a Matoaca District representative to an at-large representative of the Disability Services Board due to his recent address change, whose current term expires December 31, 2005.

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

8.A.2. AGRICULTURE AND FORESTRY COMMITTEE

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed Mr. Tscharner (T.D.) Watkins, III, representing the Midlothian District, to serve on the Agriculture and Forestry Committee, whose term is effective immediately and expires December 31, 2006.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B. CONSENT ITEMS

8.B.1. SET PUBLIC HEARING DATES

8.B.1.a. TO CONSIDER AN ORDINANCE TO AMEND THE NAME OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF CHESTERFIELD COUNTY TO THE ECONOMIC DEVELOPMENT AUTHORITY OF CHESTERFIELD COUNTY

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board set the date of December 14, 2005 at 7:00 p.m. for a public hearing for the Board to consider an ordinance to amend the name of the Industrial Development Authority of Chesterfield County to the Economic Development Authority of Chesterfield County.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.1.b. TO CONSIDER THE RESTRICTION OF THROUGH TRUCK TRAFFIC ON BELLBROOK DRIVE

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board set the date of December 14, 2005 at 7:00 p.m. for a public hearing for the Board to consider the restriction of through truck traffic on Bellbrook Drive from Conifer Road to Hopkins Road.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.2. STATE ROAD ACCEPTANCE

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision

Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Meadowbrook Farm, Section H**

• **Ironstone Drive, State Route Number: 5928**

From: Cogbill Rd., (Rt. 638)

To: Wimby Wy., (Rt. 5929), a distance of: 0.22 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127, Pg. 31,
with a width of 55 feet

• **Ironstone Drive, State Route Number: 5928**

From: Wimby Wy., (Rt. 5929)

To: 0.01 mile N of Wimby Wy., (Rt. 5929), (Temp. EOM), a distance of: 0.01 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127, Pg. 31,
with a width of 55 feet

• **Wimby Way, State Route Number: 5929**

From: Ironstone Dr., (Rt. 5928)

To: Barnwood Dr., (Rt. 5930), a distance of: 0.05 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127, Pg. 31,
with a width of 50 feet

• **Barnwood Drive, State Route Number: 5930**

From: Wimby Wy., (Rt. 5929)

To: 0.02 mile S of Wimby Wy., (Rt. 5929), (Temp. EOM), a distance of: 0.02 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127, Pg. 31,
with a width of 44 feet

• **Barnwood Drive, State Route Number: 5930**

From: Wimby Wy., (Rt. 5929)

To: Barnwood Tn., (Rt. 5931), a distance of: 0.06 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127, Pg. 31,
with a width of 50 feet

- **Barnwood Turn, State Route Number: 5931**

From: Barnwood Dr., (Rt. 5930)

To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127, Pg. 31,
with a width of 44 feet

- **Barnwood Drive, State Route Number: 5930**

From: Barnwood Tn., (Rt. 5931)

To: Barnwood Tr., (Rt. 5932), a distance of: 0.07 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127, Pg. 31,
with a width of 50 feet

- **Barnwood Terrace, State Route Number: 5932**

From: Barnwood Dr., (Rt. 5930)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127, Pg. 31,
with a width of 44 feet

- **Barnwood Drive, State Route Number: 5930**

From: Barnwood Tr., (Rt. 5932)

To: Ironhorse Rd., (Rt. 5933), a distance of: 0.06 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127, Pg. 31,
with a width of 44 feet

- **Ironhorse Road, State Route Number: 5933**

From: Barnwood Dr., (Rt. 5930)

To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127, Pg. 31,
with a width of 44 feet

- **Barnwood Drive, State Route Number: 5930**

From: Ironhorse Rd., (Rt. 5933)

To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127, Pg. 31,
with a width of 44 feet

- **Ironhorse Road, State Route Number: 5933**

From: Barnwood Dr., (Rt. 5930)

To: Backwater Dr., (Rt. 5934), a distance of: 0.05 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127, Pg. 31,
with a width of 50 feet

- **Backwater Drive, State Route Number: 5934**

From: Ironhorse Rd., (Rt. 5933)

To: 0.02 mile N of Ironhorse Rd., (Rt. 5933), (Temp. EOM), a distance of: 0.02 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127, Pg. 31,
with a width of 50 feet

• **Ironhorse Road, State Route Number: 5933**

From: Backwater Dr., (Rt. 5934)

To: 0.06 mile E of Backwater Dr., (Rt. 5934), (Temp. EOM), a distance of: 0.06 miles.

Right-of-way record was filed on 6/28/2002 with the Office Of Clerk To Circuit Court in Pb. 127, Pg. 31,

with a width of 50 feet

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

8.B.3. APPROPRIATION OF FUNDS AND AUTHORIZATION FOR COUNTY ADMINISTRATOR TO AMEND THE CONTRACT WITH ELECTION SYSTEMS AND SOFTWARE (ES&S) FOR ADDITIONAL OPTICAL SCAN VOTING EQUIPMENT, AUTOMARK, IN ORDER TO COMPLY WITH THE HELP AMERICA VOTE ACT OF 2002

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board authorized the County Administrator to appropriate \$350,000 and amend the existing contract with Election Systems and Software, Incorporated for the purchase of additional optical scan voting equipment approved by the State Board of Elections, which will bring the county into compliance with the Help America Vote Act.

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

8.B.4. ACCEPTANCE OF PARCELS OF LAND

8.B.4.a. ALONG THE WEST RIGHT OF WAY LINE OF OLD HUNDRED ROAD FROM HUGHEY A. WOODLE, JR. AND SUE S. WOODLE, TRUSTEES UNDER THE HUGHEY A. WOODLE, JR. AND SUE S. WOODLE REVOCABLE DECLARATION OF TRUST DATED MARCH 4, 1997

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board accepted the conveyance of a parcel of land containing 0.205 acres along the west right of way line of Old Hundred Road (State Route 652) from Hughey A. Woodle, Jr. and Sue S. Woodle, Trustees Under The Hughey A. Woodle, Jr. and Sue S. Woodle Revocable Declaration of Trust Dated March 4, 1997, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

8.B.4.b. ALONG THE WEST RIGHT OF WAY LINE OF OLD HUNDRED ROAD FROM RICHARD W. BARRAR, JR. AND ANN W. BARRAR

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board accepted the conveyance of a parcel of land containing 0.133 acres along the west right of way line of Old Hundred Road (State Route 652) from Richard W. Barrar, Jr. and Ann W. Barrar, and authorized the County Administrator to execute

the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.4.c. FOR PROPOSED FOXCREEK CROSSING FROM FOXCREEK DEVELOPMENT, INCORPORATED

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board accepted the conveyance of two parcels of land containing a total of 12.027 acres for proposed Foxcreek Crossing from Foxcreek Development, Incorporated, and authorized the County Administrator to execute the deed. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.5. ADOPTION OF RESOLUTIONS

8.B.5.a. RECOGNIZING MS. ANN OWENS-STRICKLER, SOCIAL SERVICES DEPARTMENT, UPON HER RETIREMENT

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, Ms. Ann Owens-Strickler began her career in public social services 30 years ago and has been with the county in the field of Family and Adult Services since January 12, 1975; and

WHEREAS, in her role as social worker and senior social worker, Ms. Owens-Strickler has worked diligently with individuals, families and the community to provide advocacy and excellent services that protect the well-being of adults; and

WHEREAS, throughout her career, Ms. Owens-Strickler served as manager of the agency's companion program where she recruited and matched companion providers with vulnerable adults who needed caregivers; and

WHEREAS, Ms. Owens-Strickler served on department goal groups, and actively participated in development of the department's reward and recognition procedures; and

WHEREAS, Ms. Owens-Strickler was a longtime member of the Chesterfield County Long-Term Care Committee, and TRIAD, where she actively participated in numerous events sponsored by both groups; and

WHEREAS, Ms. Owens-Strickler has been a diligent senior social worker, committed to the vision, mission and values of the department; and

WHEREAS, Ms. Owens-Strickler has been a role model of teamwork and professionalism for her colleagues in and outside of Chesterfield County.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Ms. Ann Owens-Strickler, expresses the appreciation of all residents for her service to the county, and offers congratulations upon her retirement.

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

**8.B.5.b. RECOGNIZING MS. BETTY HOLLAND, SOCIAL SERVICES
DEPARTMENT, UPON HER RETIREMENT**

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board adopted the following resolution:

WHEREAS, Ms. Betty Holland began her career in public social services 28 years ago and has been with the county in the field of Adult Services and Adult Protective Services since December 3, 1985; and

WHEREAS, in her role as social worker, Ms. Holland has worked diligently with individuals, families and the community to provide advocacy and excellent services that protect the well-being of adults and people with disabilities; and

WHEREAS, Ms. Holland has dedicated her professional career to enhancing the quality of life for vulnerable adults while helping to keep them safe in their own homes; and

WHEREAS, throughout her career, Ms. Holland has served on several committees, task forces and department goal groups, and actively participated in development of the department's reward and recognition procedures and Bright Ideas Incentive project; and

WHEREAS, Ms. Holland has made many presentations to citizens and other professional groups about the prevention of adult abuse in the Commonwealth of Virginia; and

WHEREAS, Ms. Holland has been a diligent social worker who has been committed to the vision, mission and values of the department; and

WHEREAS, Ms. Holland has been a role model of teamwork and professionalism for her colleagues in and outside of Chesterfield County.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Ms. Betty Holland, and expresses the appreciation of all residents for her service to the county, and offers congratulations upon her retirement.

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

8.B.7. APPROVAL OF A WETLANDS MITIGATION AGREEMENT WITH GRAYCOLE, LLC FOR THE AIRPORT RAMP EXPANSION PROJECT

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board authorized the County Administrator to execute a Wetlands Mitigation Agreement with Graycole, LLC for the Airport Ramp Expansion Project.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.8. TRANSFER OF DISTRICT IMPROVEMENT FUNDS

8.B.8.a. FROM THE BERMUDA DISTRICT IMPROVEMENT FUND TO THE PARKS AND RECREATION DEPARTMENT TO PURCHASE SUPPLIES TO REPLACE AN OBSERVATION DECK THAT WAS DESTROYED BY HURRICANE ISABEL WITH A HANDICAPPED ACCESSIBLE OBSERVATION DECK AT CHESTER STATION CAMP #1503, A HISTORIC CIVIL WAR SITE

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board transferred \$4,000 from the Bermuda District Improvement Fund to the Parks and Recreation Department to purchase supplies to replace an observation deck that was destroyed by Hurricane Isabel with a handicapped accessible observation deck at Chester Station Camp #1503, a Historic Civil War Site.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.8.b. FROM THE BERMUDA DISTRICT IMPROVEMENT FUND TO THE POLICE DEPARTMENT FOR TRAFFIC CONTROL DURING THE CHESTER KIWANIS CLUB'S CHRISTMAS PARADE

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board transferred \$1,000 from the Bermuda District Improvement Fund to the Police Department for traffic control during the Chester Kiwanis Club's Christmas Parade.

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.8.c. FROM THE MIDLOTHIAN DISTRICT IMPROVEMENT FUND TO THE DEPARTMENT OF PUBLIC AFFAIRS TO PURCHASE A TWO-SIDED BANNER TO PROMOTE THE SELECTION OF THE VILLAGE OF MIDLOTHIAN AND THE SURROUNDING AREA AS THE "37TH BEST PLACE TO LIVE IN AMERICA"

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board transferred \$693 from the Midlothian District Improvement Fund to the Chesterfield County Department of Public Affairs to purchase a two-sided banner to promote the selection by the CNN/Money Magazine Survey of Midlothian as "37th Best Place to Live in America."

Ayes: Barber, King, Humphrey and Warren.
Nays: None.
Absent: Miller.

8.B.9. AMEND THE PARCEL LISTING FOR THE BOARD OF SUPERVISORS INITIATED REZONING OF THE 288 CORRIDOR INCLUDED IN THE AGENDA ITEM OF MAY 25, 2005 AND THE SUBSEQUENT ITEMS ON AUGUST 24, 2005 AND OCTOBER 26, 2005

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board amended the parcel listing for the Board of Supervisors initiated rezoning of the 288 Corridor included in the agenda item of May 25, 2005 and the subsequent items on August 24, 2005 and October 26, 2005, by adding the following parcels: Tax ID numbers: 715-710-8459 and 720-703-7536, and removing the following parcels: Tax ID numbers: 713-709-4587, 713-710-8429, and 714-710-1855.

Ayes: Barber, King, Humphrey and Warren.

Nays: None.

Absent: Miller.

Mr. Miller returned to the meeting.

The following item was removed from the Consent Agenda for Board discussion:

8.B.6. CONVEYANCE OF AN EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY FOR OVERHEAD CABLE ACROSS THE MIDLOTHIAN MIDDLE SCHOOL PROPERTY TO IMPROVE SERVICE RELIABILITY

Mrs. Humphrey expressed concerns relative to disruption of school facilities while the overhead cable is being moved across the school property.

Mr. Sasek stated Virginia Power has received a request to improve service reliability in the area, and the solution was to install additional poles and guy wires to support the existing facilities along Midlothian Turnpike. He further stated no additional lines are being added across the school property.

Mrs. Humphrey expressed concerns relative to stringing power lines that are cluttering Midlothian Turnpike. She requested that underground power lines be used when crossing school properties in the future.

Mrs. Humphrey then made a motion, seconded by Mr. Barber, for the Board to authorize the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Virginia Electric and Power Company for overhead cable across the Midlothian Middle School property to improve service reliability. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

10. REPORTS

10.A. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE
FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT
FUNDS AND LEASE PURCHASES

10.C. REPORT ON ROADS ACCEPTED INTO THE STATE SECONDARY
SYSTEM

On motion of Mr. King, seconded by Mr. Miller, the Board accepted a Report on Developer Water and Sewer Contracts and a Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

And, further, the following roads were accepted into the State Secondary System:

<u>ADDITION</u>	<u>LENGTH</u>
<u>CAMERON BAY, SECTION C</u> (Effective 10/17/2005)	
Cameron Bay Terrace (Route 5908) - From Cameron Bay Drive (Route 5633) to Cul-de-sac	0.05 Mi.
<u>FIRST BRANCH AT WOODLAND POND, SECTION B</u> (Effective 10/31/2005)	
Brook Point Place (Route 5911) - From First Branch Lane (Route 5442) to Cul-de-sac	0.13 Mi.
First Branch Lane (Route 5442) - From 0.02 mile west of Woodbluff Court (Route 5444) to Brook Point Place (Route 5911)	0.17 Mi.
First Branch Lane (Route 5442) - From Brook Point Place (Route 5911) to Cul-se-sac	0.25 Mi.
<u>KINGHAM AT THE GROVE, SECTION 5</u> (Effective 10/31/2005)	
Rise Shaft Road (Route 5916) - From Railey Hill Drive (Route 5519) to Tipple Point Road (Route 5917)	0.11 Mi.
Tipple Point Road (Route 5917) - From Rise Shaft Road (Route 5916) to 0.02 mile south of Rise Shaft Road (Route 5916)	0.02 Mi.
Tipple Point Road (Route 5917) - From Rise Shaft Road (Route 5916) to Cul-de-sac	0.04 Mi.
<u>WINFREE'S COLONY</u> (Effective 10/17/2005)	
Winfree Circle (Route 4399) - From Winfree Street (Route 1515) to Cul-de-sac	0.04 Mi.
Winfree Street (Route 1515) - From Winfree Circle (Route 4399) to Cul-de-sac	0.11 Mi.

Winfree Street (Route 1515) - From Daniels
Street (Route 1546) to Winfree Circle (Route
4399)

0.06 Mi.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

**10.D. CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(7),
CODE OF VIRGINIA, 1950, AS AMENDED, FOR CONSULTATION
WITH LEGAL COUNSEL ON SPECIFIC LEGAL MATTERS REGARDING
A SEWER BACK-UP CLAIM IN CREEKWOOD SUBDIVISION**

On motion of Mr. King, seconded by Mr. Barber, the Board went into Closed Session pursuant to Section 2.2-3711(A)(7), Code of Virginia, 1950, as amended, for consultation with legal counsel on specific legal matters regarding a sewer back-up claim in Creekwood Subdivision.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

Reconvening:

On motion of Mr. Barber, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Board of Supervisors has this day adjourned into Closed Session in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act effective July 1, 1989 provides for certification that such Closed Session was conducted in conformity with law.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Session to which this certification applies, and

ii) only such public business matters as were identified in the Motion by which the Closed Session was convened were heard, discussed, or considered by the Board. No member dissents from this certification.

The Board being polled, the vote was as follows:

Mr. Warren: Aye.
Mr. Miller: Aye.
Mrs. Humphrey: Aye.
Mr. King: Aye.
Mr. Barber: Aye.

11. DINNER

On motion of Mr. Miller, seconded by Mr. King, the Board recessed to the Administration Building, Room 502 for dinner with members of the Friends of the Library.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Reconvening:

12. INVOCATION

Reverend Dan Lipford, Senior Minister of Centralia Presbyterian Church gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Eagle Scout Michael Grayson Bourne led the Pledge of Allegiance to the flag of the United States of America.

Mr. Barber welcomed his daughter Haley and her friend Kaitlyn who were present at the meeting working on a school project.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

14.A. RECOGNIZING THE BROAD ROCK RURITAN CLUB UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY

Ms. Ruth introduced members of the Broad Rock Ruritan Club who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Ruritan is a national service organization; and

WHEREAS, the Broad Rock Ruritan Club was chartered on November 28, 1955; and

WHEREAS, through the 50 years since its founding, the Broad Rock Ruritan Club has provided outstanding service to Chesterfield County; and

WHEREAS, the Broad Rock Ruritans helped to bring Chippenham Hospital to the region and has supported Crippled Children's Hospital and the annual Veteran's Day observance; and

WHEREAS, the Broad Rock Ruritans provide community support for volunteer rescue squads, Chesterfield Fire and Police Departments, the Red Cross, local prison ministry, and other worthwhile programs; and

WHEREAS, the Broad Rock Ruritans support the community with the building of handicap ramps and home improvements, and also provide food for shut-ins; and

WHEREAS, the Broad Rock Ruritans send Chesterfield students to leadership programs and provides scholarships; and

WHEREAS, the Broad Rock Ruritan Club, in partnership with other Ruritans in Chesterfield County and Woodmen of the World, financed and created the 9/11 Memorial Garden located in the Harry G. Daniel Park at Iron Bridge.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 22nd day of November 2005, publicly recognizes the Broad Rock Ruritan Club, expresses its appreciation to the members and commends them on their dedicated service to the community in which they live, and congratulates the members on their 50th anniversary of service to others.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Miller presented the executed resolution to Mr. Terry Shackleferd, President of the Broad Rock Ruritan Club, accompanied by members of the club, and expressed appreciation for the dedicated service of the members of the Broad Rock Ruritan Club.

Mr. Shackleferd recognized Mr. Elwood Jenkins, an original charter member, who was unable to attend tonight's meeting.

14.B. RECOGNIZING THE FRIENDS OF THE LIBRARY ON THE OCCASION OF THEIR 35TH ANNIVERSARY

Mr. Hammer introduced Ms. Kathryn Geranios, President of the Friends of the Library who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Friends of the Chesterfield County Public Library was established in 1970 by visionary citizens to support the goals of the Chesterfield County Public Library; and

WHEREAS, the Friends of the Library are celebrating their 35th anniversary of operation with renewed energy to promote and advocate for the value of public library service by coordinating their strategic plan with the library's strategic plan and supporting the county's goals and initiatives for the welfare of Chesterfield citizens; and

WHEREAS, the Friends provide substantial support for library services toward library programs and collection development, notably with a service project that provides materials and resources for an important segment of the population that is maturing, and with collectively, thousands of volunteer hours to support library activities; and

WHEREAS, the Friends continue to support the Summer Reading Program, which encourages 13,000 school age children to maintain reading and intellectual pursuits during the summer by providing financial support of multiple programs at all nine branch locations, including gift certificates, books

and a variety of prizes as participation and completion incentives; and

WHEREAS, the Friends volunteerism extends beyond the library to include holiday gift wrapping and And the Read Goes On book fairs every June at *Barnes and Noble*, participating in *Ukrops* Golden Gifts Certificates program, producing the annual Book and Author Dinner, sponsoring the Library's Writers' Workshop, establishing a partnership with the Chesterfield Historical Society for a cookbook celebrating the past, present and future of Chesterfield to be published in 2007, and most recently donating materials to libraries in the south that were impacted by the recent hurricanes.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 22nd day of November 2005, publicly recognizes the Friends of the Chesterfield County Public Library for their outstanding contributions to the quality of life of the Citizens of Chesterfield County.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Friends of the Chesterfield County Public Library and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Barber presented the executed resolution to Ms. Geranios, accompanied by Mr. Mabe, Mr. Skip Auld, and members of the Friends of the Library, and expressed appreciation for the support that the Friends provide to county libraries.

Ms. Geranios stated the Friends of the Library are committed to helping, supporting and advocating for the best libraries in the county. She presented a facsimile of a check in the amount of \$3,500, in honor of the Friends' 35th anniversary, to be used for books on tape and CDs for the community. She thanked the Board and Mr. Mabe for their support and stated she is immensely proud to be a Friend.

14.C. RECOGNIZING MR. MICHAEL GRAYSON BOURNE UPON ATTAINING THE RANK OF EAGLE SCOUT

Mr. Hammer introduced Mr. Michael Bourne who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop,

carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Michael Grayson Bourne, Troop 805, sponsored by Woodlake United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Michael has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 22nd day of November 2005, publicly recognizes Mr. Michael Grayson Bourne, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the county to have such an outstanding young man as one of its citizens.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mrs. Humphrey presented the executed resolution and patch to Mr. Bourne, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Bourne provided details of his Eagle Scout Project and thanked the Board for the recognition as well as those who have supported him throughout his scouting experience.

**15. REQUESTS FOR MANUFACTURED HOME PERMITS AND REZONING
PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE
FOLLOWING ORDER: - WITHDRAWALS/DEFERRALS - CASES WHERE
THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO
OPPOSITION - CASES WHERE THE APPLICANT DOES NOT ACCEPT
THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION
WILL BE HEARD AT SECTION 17**

05SN0234

In Matoaca Magisterial District, THOMLYN, LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.01-2.5 units per acre. This request lies on 50.3 acres fronting approximately 1,050 feet on the southwest line of Woodpecker Road and located in the southwest quadrant of the intersection of Woodpecker, Lakeview and Chestnut Ridge Roads. Tax IDs 791-620-1025 and 791-621-0110 (Sheet 41).

Ms. Beverly Rogers presented a summary of Case 05SN0234 and stated the Planning Commission, on a vote of four to one, and staff recommended approval and acceptance of the proffered

conditions. She noted the request complies with the Southern and Western Area Plan, which suggests the property is appropriate for residential use of 1.01 to 2.5 dwelling units per acre. She stated the applicant is proposing a density of 1.7 dwelling units per acre. She further stated the proffered conditions adequately address the impact of the proposed development on capital facilities consistent with the Board's policy.

Mr. Harley Joseph, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

Ms. Barbara Jernigan presented a petition with 175 signatures in opposition to the request, indicating that the residents believe 12,000 square foot lots are not appropriate for the location and do not meet the Southern and Western Area Plan. She stated the residents believe that a minimum lot size of 25,000 square feet with 1.74 units per acre is appropriate for the location. She provided details of the development and revision of the Southern and Western Area Plan and stated the citizens would prefer more of a transition from smaller lots near the villages of Ettrick and Matoaca to larger lots in the agricultural area. She expressed concerns that Woodpecker and Lakeview Roads cannot handle additional traffic that would be generated by R-12 zoning in the area.

Mr. Joseph stated the request was well researched by the Planning Commission and the applicant has done everything possible to address citizens' concerns.

There being no one else to speak to the request, the public hearing was closed.

Mrs. Humphrey stated transitioning from the villages into the agricultural community is important, and the road improvements being offered by the developer are imperative. She further stated she is satisfied with the density of the proposed development. She expressed concerns relative to the necessity to provide housing for military families that will be coming to the area as a result of the Fort Lee expansion, indicating that the proposed development will provide housing as well as green space. She requested that Planning staff administratively review the Lakeview/Woodpecker Corridor for transitioning into Ettrick and Matoaca Villages. She stated the R-88 zoning must stay firm in the area of Matoaca High School and reminded staff that this section of the Southern and Western Area Plan needs to be reevaluated.

Mrs. Humphrey then made a motion, seconded by Mr. Miller, for the Board to approve Case 05SN0234 and accept the proffered conditions.

In response to Mr. Barber's questions, Ms. Rogers stated the neighbors have indicated they would prefer R-25 zoning with larger lots. She further stated the developer has provided open space within the development in lieu of placing all of the land into larger lots. She stated the minimum standards within a development are often exceeded because of physical constraints on the property, topography, and so forth. She further Mr. Jernigan believes a commitment about the transitioning of lot sizes was made during the development of

the Southern and Western Area Plan, indicating that the Plan addresses density (up to 2.2 units per acre), but does not reflect lot sizes.

Mr. Barber then called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Miller, for the Board to approve Case 05SN0234 and accept the following proffered conditions:

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax IDs 791-621-0110; 791-620-1025 (the "Property") under consideration will be developed according to the following conditions, if and only if, the rezoning request for R-12 is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
2. Cash Proffer. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the property:
 - a. \$15,600 per dwelling unit, if paid prior to July 1, 2006; or
 - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner determined by the County. (B&M)
3. A maximum of eighty-three (83) dwelling units shall be permitted. (P)
4. WITHDRAWN
5. Transportation.
 - (a) In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-

way on the west side of Woodpecker Road, measured from the centerline of that part of Woodpecker Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.

- (b) Direct access from the property to Woodpecker Road shall be limited to one (1) public road. This public road shall be a residential collector road. The exact location of this public road shall be approved by the Transportation Department.
- (c) In conjunction with development of the initial section, the developer shall be responsible for the following improvements:
 - i. Construction of additional pavement along Woodpecker Road at the public road intersection to provide left and right turn lanes based on Transportation Department standards; and,
 - ii. Widening/improving the west side of Woodpecker Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage; and,
 - iii. Dedication, free and unrestricted, to and for the benefit of Chesterfield County, of any additional right-of-way (or easements) required for these improvements. (T)
- 6. Dwelling Size. The minimum gross floor area for each dwelling unit shall be 2,000 square feet. (BI & P)
- 7. Restrictive Covenants. The following restrictive covenants shall be recorded in conjunction with the recordation of any subdivision plat:
 - (a) As a minimum, the landscaping requirement on each lot shall be \$800.00
 - (b) All driveways shall be paved (P)
- 8. The required fifty (50) foot buffer along Woodpecker Road shall be recorded as open space. (P)
- 9. The Resource Protection Area (RPA) along Oldtown Creek shall be recorded as open space. (P)
- 10. The required thirty (30) foot buffer along the proposed collector road referenced in proffered condition 5.b. shall be recorded as open space. (P)

11. A minimum of twenty (20) feet in width of open space shall be provided along the eastern and western property boundaries adjacent to Tax ID's 791-620-7604; 791-619-6361; 791-619-5904; 790-621-5162; and 791-621-0461. (P)
12. At a minimum, the open spaces noted in proffered conditions 8 through 11 shall include fourteen (14) acres, total. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

04SN0303 (Amended)

In Matoaca Magisterial District, FAIRWEATHER INVESTMENTS, LLC AND HIGHLANDS WEST, LLC request Conditional Use and amendment of zoning district map to permit a public waste treatment facility on 30 acres of a 1,430 acre parcel. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies in a Residential (R-88) District fronting approximately 11,600 feet on the east line of Nash Road across from Reedy Branch Road, also fronting in three (3) places for approximately 7,050 feet on the west line of Cattail Road across from Reedy Branch and Rowlett Roads. Tax ID 759-636-Part of 6377 (Sheets 33 and 40).

Mr. Turner stated the applicant has requested a deferral until January 25, 2006.

Mr. John Cogbill, representing the applicant, requested a deferral until January 25, 2006.

Mr. Barber called for public comment on the deferral.

Mr. Richard Carroll stated he supports a 60-day deferral and requested that the Board take the opportunity to develop criteria for applicants to meet when presenting applications of this nature, so that the residents can review the criteria and decide whether or not they support the proposal.

Ms. Andrea Epps requested that the Board hear the request because it has already been deferred for six months. She stated the Public Facilities Plan and the Southern and Western Area Plan will not have been revisited during the 60-day deferral period.

There being no one else to speak to the deferral, the public hearing was closed.

Mrs. Humphrey made a motion, seconded by Mr. Warren, for the Board to defer Case 04SN0303 until January 25, 2006.

Mr. Barber made a substitute motion, seconded by Mr. Miller, for the Board to deny the deferral of Case 04SN0303.

Mr. Barber stated he is very uncomfortable with the precedent that would be set by allowing a residential development to hook into a private wastewater treatment plant. He expressed concerns relative to the safety and security of residents

using a private facility, a failure of the system in the future, and increased density as a result of permitting the facility. He stated the county struggles with growth management, and requiring connections to utility lines is the county's strongest tool to controlling growth. He further stated he is not at all inclined to support residential development using private wastewater treatment plants or to develop regulations for facilities such as this. He stated he would like to hear the case tonight because he does not believe his opinion will change during a deferral period.

Mr. Miller expressed concerns that thousands of acres would be available for residential development in the county if the facility were allowed. He stated he is not inclined to support the request and will not support it in 60 days, indicating that he would also like to hear the case tonight.

Mr. King stated he is not satisfied that all of the facts surrounding the proposed facility have been presented. He further stated he does not agree that the county should develop criteria for facilities such as this. He acknowledged that connection to public facilities is a growth management tool and suggested that the Board study the issue further and decide whether or not they want to permit this type of facility. He expressed concerns that members of the Task Force for Responsible Growth have not expressed opposition to the request. He stated, although he would prefer a 30-day deferral, he will support a 60-day deferral to allow additional information to be provided by staff regarding the proposed facility.

Mr. Barber called for a vote on his motion, seconded by Mr. Miller, for the Board to deny the deferral of Case 04SN0303.

Ayes: Barber and Miller.

Nays: King, Humphrey and Warren.

After brief discussion regarding the deferral time period, Mr. Barber then called for a vote on the original motion of Mrs. Humphrey, seconded by Mr. Warren, for the Board to defer Case 04SN0303 until January 25, 2006.

Ayes: King, Humphrey and Warren.

Nays: Barber and Miller.

05SN0184

In Matoaca Magisterial District, DOUGLAS R. SOWERS AND SUSAN S. SOWERS request rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 19.1 acres fronting approximately 650 feet on the east line of Baldwin Creek Road approximately 550 feet north of Beach Road. Tax IDs 707-661-9519 and 9848 (Sheet 23).

Mr. Turner presented a summary of Case 05SN0184 and stated the Planning Commission and staff recommended approval

subject to conditions and acceptance of the proffered conditions.

Mr. Oliver "Skitch" Rudy, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

Mrs. Humphrey made a motion, seconded by Mr. Barber, for the Board to approve Case 05SN0184 subject to conditions.

In response to Mr. Miller's question, Ms. Rogers stated the addendum has been provided to make a typographical correction, and there has been no change in the conditions.

Mr. Barber called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Barber, for the Board to approve Case 05SN0184, subject to the following conditions:

1. The Textual Statement, last revised March 1, 2005, shall be considered the master plan. (P)
2. In conjunction with the initial tentative subdivision plan review, an overall plat shall be submitted for the residential portion of this request depicting the acreages for that property which does and does not drain to the Swift Creek Reservoir for the purpose of confirming overall project densities. (P)

And, further, the Board accepted the following proffered conditions:

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the properties known as Chesterfield County Tax IDs 707-661-9519-00000 and 707-661-9848-00000 (the "Property") under consideration will be developed according to the attached Textual Statement and the following conditions if, and only if, the rezoning requests for R-12 as set forth in the above heading and the application filed herein is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. (a) Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed.
- (b) Drainage. In order to insure that the drainage on the property is adequately handles, the Applicants proffer to: (i) replace all culvert pipes under Beach Road to ensure adequate size to handle the ultimate upstream drainage area, or (ii) retain water onsite so that the existing pipes remain

adequate, or (iii) a combination of (i) and (ii) above.

- (c) For land that drains to Swift Creek Reservoir, temporary sediment basins shall remain in place and/or new BMPs constructed to achieve the .22 phosphorus standard until the downstream regional BMP into which the development will drain has been constructed. (EE)

2. Utilities.

- (a) Public water shall be used.
- (b) Public Wastewater gravity sewer shall be used.
- (c) Prior to the issuance of the first building permit for each tentative subdivision plat, the developer shall make payment to Chesterfield County in the amount of \$200.00 per acre for that particular plat as a contribution towards the expansion of the Dry Creek Wastewater Pump Station. The total contribution shall be based on the total acreage served by the public wastewater system. (U)

3. Cash Proffer. The applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:

- (a) \$15,600 per dwelling unit, if paid prior to July 1, 2006; or the amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
- (b) Provided, however, that if any building permits issued on the property are for senior housing, as defined in the proffer on age-restriction, the applicant, sub-divider, or assignee(s) shall pay \$10,269 per dwelling unit if paid prior to July 1, 2006, or the amount approved by the Board of Supervisors, not to exceed \$10,269 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006. At the time of payment, the \$10,269 will be allocated pro-rata among the facility costs as follows: \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations. Payments in excess of \$10,269 shall be prorated as set forth above.
- (c) Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

4. (a) Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair

Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons; as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein." (B&M)

- (b) Senior Housing. Any dwelling units designated for senior housing as outlined in Proffered Condition 4(a) shall be noted on the site plan and/or on any subdivision plat. Such dwelling units shall be grouped together as part of the same development section(s). (P)
- 5. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way along the east side of Baldwin Creek Road (State Route No. 730), measured from the centerline of that part of Baldwin Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
 - 6. Direct access to Baldwin Creek Road shall be limited to one (1) public road. The exact location of this shall be approved by the Transportation Department. (T)
 - 7. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - (a) Construction of additional pavement along Baldwin Creek Road at the approved access to provided left and right turn lanes, if warranted, based on Transportation Department standards.
 - (b) Widening/improving the east side of Baldwin Creek Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one half (1.5) inch of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire property frontage.
 - (c) Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire the right of way necessary for the road improvements as described, the developer may request in writing, the County to acquire such right of way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right of way, the developer shall be relieved of the obligation to acquire the "off-site" right of way and shall be required only to provided the road improvements that can be accommodated within available rights-of-way as determined by the Transportation Department.

8 Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 7, shall be submitted to and approved by the Transportation Department. (T)

9. Density.

(a) The total number of residential dwelling units on that portion of the property requested to be rezoned R-12 which drains to the Swift Creek Reservoir shall not exceed 2 units per acre. (Note: The Applicant has determined that 0 acres of said request parcels do drain to the reservoir.)

(b) The total number of residential dwelling units on that portion of the property requested to be rezoned R-12 which does not drain to Swift Creek Reservoir shall not exceed 2.2 single family residential units per acre.. (Note: The Applicant has determined that 19.1 acres of said request parcels do not drain to the reservoir.) (P)

10. Phasing. No residential building permits shall be issued until January 1, 2007. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

05SR0259 (Amended)

In Matoaca Magisterial District, MICHAEL SIBLEY AND RITA SIBLEY request renewal of Conditional Use (Case 02AN0230) and amendment of zoning district map to allow a business (wood products manufacturing) operated incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies in an Agricultural (A) District on 10.0 acres and is known as 8825 Woodpecker Road. Tax ID 760-644-7168 (Sheet 33).

Mr. Turner presented a summary of Case 05SR0529 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Oliver "Skitch" Rudy, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

In response to Mrs. Humphrey's questions, Mr. Michael Sibley (the applicant) stated he has an 1100-foot gravel driveway that is not conducive to speeding. He further stated his machinery is located inside a metal building, and noise generated by the machinery is not an issue with the neighbors.

Mrs. Humphrey then made a motion, seconded by Mr. Warren, for the Board to approve Case 05SR0259 and accept the following proffered conditions:

1. This Conditional Use shall be granted to and for Michael Sibley, Rita Sibley or their children (blood, adoption or guardianship) and shall not be transferable or run with the land. (P)
2. This Conditional Use shall be limited to the operation of a wood products manufacturing business, exclusively. A maximum of three (3) employees other than those persons outlined in Proffered Condition 1 may be engaged in this operation. (P)
3. This use shall not operate before 8:00 A.M. and after 5:00 P.M., Monday through Friday nor on Saturday or Sunday. (P)
4. There shall be no deliveries to or from the site via tractor-trailer carriers. Any deliveries shall be made between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday. There shall be no Saturday or Sunday deliveries. (P)
5. With the exception of accessory parking and an air compressor, all work and operations associated with this business, including storage of materials and equipment, shall be accomplished on the inside of the 50 foot by 100 foot "proposed building" depicted on the site plan prepared by Virginia Surveys dated 07-22-02. An air compressor for this operation shall be housed in a separate attached structure (no more than fifty (50) square feet in area) to be located to the west of the above referenced building. (P)
6. Leyland Cypress trees with an initial height of at least three (3) feet shall be planted and maintained to sufficiently screen the buildings described in Proffered Condition 5 from adjacent property identified as Tax ID 760-644-9151. A landscaping plan shall be submitted to the Planning Department within thirty (30) days of approval of this request. Such plan shall include a phasing plan for the installation of the landscaping. (P)
7. One (1) sign, not to exceed one (1) square foot in area and a height of 4.5 feet, shall be permitted to identify this use. Such sign shall not be illuminated and shall be located west of the driveway and adjacent to the mailbox shown on the plan as outlined in Proffered Condition 5. (P)
8. Within sixty (60) days from the date the Board of Supervisors approves the Conditional Use request, forty-five (45) feet of right-of-way along the south side of Woodpecker Road, measured from the centerline of that part of Woodpecker Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

06SR0160

In Bermuda Magisterial District, CLIFFORD B. AND SOPHRONIA ROBINSON request renewal of temporary Manufactured Home Permit 95SR0279 to park a temporary manufactured home in a Residential (R-7) District. The density of this property is approximately 3.57 units per acre. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4 units per acre. This property is known as 2674 Drewrys Bluff Road. Tax ID 789-680-8860 (Sheet 18).

Mr. Turner presented a summary of Case 06SR0160 and stated staff recommends approval for five years, subject to conditions. He noted the applicants, who are elderly and have health situations, were unable to attend the meeting this evening and have indicated that they accept the recommendation and are requesting the Board's approval.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 06SR0160, subject to the following conditions:

1. The applicants shall be the owner of the temporary manufactured home.
2. The temporary manufactured home permit shall be granted for a period not to exceed five (5) years from date of approval.
3. No lot or parcel may be rented or leased for use as a temporary manufactured home site nor shall any temporary manufactured home be used for rental property.
4. No additional permanent-type living space may be added onto a temporary manufactured home. All temporary manufactured homes shall be skirted but shall not be placed on a permanent foundation.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

16. PUBLIC HEARINGS

**16.A. TO CONSIDER ADOPTION OF AN ORDINANCE CREATING THE
POWHITE PARKWAY-CHARTER COLONY PARKWAY INTERCHANGE
SERVICE DISTRICT FOR ROAD CONSTRUCTION IMPROVEMENTS
AT CENTERPOINTE**

Ms. Dickson stated the Board held a public hearing on August 24, 2005 and deferred action on whether to create a transportation service district to construct the Powhite Parkway-Charter Colony Parkway Interchange. She provided details of benefits of the service district and the facilities/services proposed. She then provided details of the financing proposal. She stated, since the August 24th public hearing, the Board has indicated its desire to consider the creation of the district with the following

changes to the advertised boundaries and parcels: 1) exclude all improvements for which there is an assessment or a partial assessment as of January 2006, partially assess improvements that are 25 percent or more complete; and exclude the land associated with the existing or partial improvements as of January 2006, with future improvements being subject to the \$0.15 tax; and 2) include only the undeveloped area in the Waterford development in the district because certain parcels in the development were subject to an agreement made in the early 1990's whereby road improvements were made in exchange for approval to develop approximately 650,000 square feet. She stated the proposed ordinance provides for restrictive use of revenues and requires the county to segregate the revenues collected to provide the improvement, establishes the boundary for the duration of the district, and will be recorded in the land records of the county for purposes of notifying all future potential property owners or purchasers.

In response to questions from Board members, Ms. Dickson stated future improvements would be defined through assessments. She further stated staff estimates that the interchange should be constructed within 12 to 14 years, with the changes that have been requested. She stated there will be an additional \$0.15 tax per \$100 of real estate assessed value, and the ordinance will require the county to segregate 50 percent of the increased assessments in the district and use it to finance design, widening of Powhite Parkway, and ultimately construction of the interchange. She further stated as soon as any improvement takes place in the service district, staff will begin segregating the 50 percent incremental increase in real estate tax revenue as well as collecting the \$0.15 additional tax, and should be able to begin designing the interchange within two to three years. She stated there is no current residential development in the district, but future planned residential development would be subject to the tax.

Discussion ensued relative to future residential development proposed in the district.

Mr. Barber called for public comment.

Ms. Jane Watkins, President of the Virginia Credit Union, commended staff and the Board for working through the complex issue and excluding the portions of Waterford that are already developed.

Mr. Steve Erie, representing the Chesterfield Business Council, stated he supports the concept of service districts as a creative way to finance infrastructure growth in the county. He further stated this is an example of the county partnering with the business community to ensure that desirable infrastructure development occurs where it is needed, and commended staff and the Board for considering this initiative.

Ms. Andrea Epps stated the proposal is obviously good for economic development, as well as for the safety and benefit of area residents.

There being no one else to speak to the issue, the public hearing was closed.

Mr. Warren stated he supports staff's recommendation.

Mrs. Humphrey stated the proposal represents a unique mechanism for road funding and is an opportunity that taxpayers will also benefit from.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY ENACTING SECTIONS
9-40, 9-41, 9-42, 9-43, 9-44, 9-45, 9-46 AND 9-47 CREATING
THE POWHITE PARKWAY-CHARTER COLONY PARKWAY
INTERCHANGE SERVICE DISTRICT, PROVIDING FOR THE
CONSTRUCTION OF ROAD IMPROVEMENTS, AND
IMPOSING A TAX ON PROPERTY LOCATED WITHIN THE DISTRICT

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

- (1) That an Ordinance enacting Sections 9-40, 9-41, 9-42, 9-43, 9-44, 9-45, 9-46 and 9-47 creating the Powhite Parkway-Charter Colony Parkway Interchange Service District, providing for the construction of road improvements, and imposing a tax on property located within the District is enacted as follows:

Section 9-40. Definitions.

The following words shall have the following meaning within this ordinance:

Director of Transportation: The Director of Transportation of Chesterfield County, or his designee.

District: The Powhite Parkway-Charter Colony Parkway Interchange Service District

Map of the District: The map entitled "Powhite Parkway-Charter Colony Parkway Interchange Service District," dated July 19, 2005, revised November 21, 2005, and prepared by the County Department of Transportation, which map is on file with the Director of Transportation, and which map shows the boundaries of the District, all parcels located in the District, and all specific parcels and areas within the District that are to be excluded from the District

Plan of the District: The plan entitled "Plan for Powhite Parkway-Charter Colony Parkway Interchange Service District Improvements," dated July 21, 2005 and prepared by the County Department of Transportation, and as may be subsequently amended, which map is on file with the Director of Transportation, and generally shows the facilities to be constructed within the District.

Project: The design, right of way acquisition and construction of the facilities described in Section 4 of this Ordinance.

Zoning Conditions: The zoning conditions of Chesterfield County zoning cases 86S117, 88SN0059 and 88S015 which require the landowners of property in the District to

obtain approval of a phasing plan for construction of the facilities described in Section 9-43 prior to developing their property.

Section 9-41. Establishment of Powhite Parkway-Charter Colony Parkway Interchange Service District.

Pursuant to Code of Virginia, Section 15.2-2400 et. seq., and to Sections 2.1 and 2.4 of the Charter of the County of Chesterfield, there is hereby created in the county the Powhite Parkway-Charter Colony Parkway Interchange Service District.

Section 9-42. Boundaries of the District and Areas Within the District to be Excluded From the District.

a. The boundaries of the District shall be defined by the perimeter boundary created by the inclusion of the following County tax map parcels within the boundaries of the District: Tax Map Parcels Nos. 7276987803; 7266974349; 7246945390; 7266950706; 7266948763; 7266940343; 7246936630; 7266938112; 7306917359; 7326940332; 7336951700; 7316962505; 7286958731; 7286952429; 7296960058; 7266953178; 7286972424; 7266957906; 725697001600002. Except as provided elsewhere in this section, all real estate contained within the boundaries of the parcels described in this section as of November 15, 2005 shall be contained within the District and subject to the tax imposed pursuant to Section 9-44(a)(i). The boundaries of the District are also graphically depicted on the Map of the District.

b. The following parcels otherwise contained within the District shall be excluded from the District: Tax Map Parcels Nos. 725697001600001; 7256937338; 7276958516; 7276958845; 7286950263; 7286950764; 7286975402.

c. If the owner of any parcel of land excluded from the District pursuant to subsection 9-42(b) conveys the parcel to another owner, then the appropriateness of continuing the exclusion shall be considered by the Board of Supervisors at a public meeting of the Board promptly after the conveyance occurs.

d. Notwithstanding the inclusion of the property described in section 9-42(a) in the District, the supplemental real estate tax imposed pursuant to section 9-44(a)(i) shall not be imposed against (i) any improvement to real estate within the District for which a total or partial tax assessment is made by the real estate assessor effective January 1, 2006; or (ii) any real estate upon which is located parking, landscaping, sidewalks or other facilities or structures, appurtenant to the improvements described in subsection (i) of this paragraph.

Section 9-43. The Purpose of the District and the Facilities and Services Proposed Within the District.

The purpose of the District is to improve the availability of transportation service available within the District by constructing a single point, urban interchange. The County of Chesterfield shall cause to be constructed in the District:

a. A single point, urban interchange for traffic entering and exiting the Powhite Parkway (State Route 76) and entering and exiting the Charter Colony Parkway (State Route 754); and

b. A widening of Powhite Parkway from two lanes to four lanes from a point approximately 3,000 feet east of the single point, urban interchange to a point approximately 3,000 feet west of the single point, urban interchange.

The facilities to be constructed are generally depicted on the Plan of the District, with the final design of the facilities to be approved by the Director of Transportation prior to construction. Construction of all facilities shall meet the requirements of the Virginia Department of Transportation.

In addition to the construction of the facilities, the County shall provide maintenance service for the transportation facilities constructed to serve the District, until such time as the maintenance of such facilities becomes the responsibility of the Virginia Department of Transportation.

Section 9-44. Plan for Providing the Facilities and Services Within the District.

a. The design and construction of the facilities described in section 9-43 shall be financed by revenue received from the following sources:

i. In addition to the real estate tax imposed on real estate and mobile homes in the County pursuant to the County's annual tax levy, there shall be a supplemental real estate tax of \$0.15 per \$100 of assessed value placed on all real estate located within the boundaries of the District, except for the real estate excluded from the District. Such supplemental real estate tax shall be recorded in the land books and real estate assessment records of the County in the same manner as other real estate taxes, and the exemptions set forth in Division Three of Article II of Chapter 9 of the Code of Chesterfield County, 1997, as amended, shall apply to such supplemental real estate tax in the same manner as they apply to other real estates taxes in the County; and

ii. The incremental increase in real estate tax revenue generated from real estate located within the District as a result of any increase in the assessed value of real estate located in the District after the effective date of this ordinance.

b. The County shall deposit all of the revenue received as a result of the supplemental real estate tax described in section 9-44(a)(i), and 50% of the incremental increase in real estate assessment described in section 9-44(a)(ii) into an interest-bearing account and shall segregate the revenue from other revenue maintained by the County. The revenue received from the sources described in this section shall be used exclusively for the design, right of way acquisition and construction of the facilities described in Section 9-43.

c. The phasing of completion of the Project shall be approved by the Director of Transportation. The Project is expected to be divided into three phases. Phase One shall be the design phase wherein all facilities to be constructed shall be designed by a competent professional engineer selected in accordance with the Virginia Public Procurement Act, Va. Code § 2.2-4300, et. seq. and all right of way which the engineering design indicates will be necessary for the Project shall be acquired by the County. Phase Two shall be the construction of the widening of Powhite Parkway (State Route 76) described in section 9-43(b). Phase Three shall be the construction of the single point, urban interchange described in section 9-43(a). Each phase of the project shall be performed promptly when the revenues deposited in the separate account described in section 9-44(b) are sufficient to accomplish the completion of that phase of the project.

Section 9-45. Benefits Which can be Expected From the Provision of the Facilities and Services to the District.

a. Each of the tax map parcels contained within the District consists entirely, or nearly entirely, of property which is obligated to construct the facilities described in section 9-43 of this Ordinance as a result of the Zoning Condition. The creation of the District will benefit all owners of property within the District by eliminating the requirement that each landowner obtain approval of a phasing plan for construction of the facilities prior to development and by instead placing the responsibility for constructing the facilities on the County.

b. The construction of facilities will also make the real estate in the District more accessible to motor vehicles traveling in and through the County by providing for the free flow of traffic without substantial motor vehicle congestion. Such increased accessibility will improve the value of the real estate in the District and facilitate the development of the real estate within the District for its highest and best use in accordance with the zoning for the property.

c. Prior to actual construction of the facilities, all property within the District will benefit from the transference of the responsibility for constructing the facilities from the landowners to the County because the Zoning Conditions require the landowners to obtain approval of the phasing plan for construction of the facilities prior to development. The transference of the responsibility for constructing the facilities to the County pursuant to the Zoning Conditions will allow landowners to develop their property without having to obtain such phasing approvals. Adoption of this ordinance shall constitute approval by the Director of Transportation of the phasing plan required by the Zoning Conditions, insofar as it relates to the facilities to be constructed pursuant to this ordinance. However, nothing contained in this ordinance shall be construed to affect in any way any requirement which predated the adoption of this ordinance for any property to be dedicated to the County for the construction of any of the facilities described in section 9-43.

Section 9-46. Review of Status of Service District.

After the completion of the construction of Phase Three of the project, as described in Section 9-44(c), consideration of this ordinance shall be placed on the agenda of the Board of Supervisors for the next meeting following the completion, so that the Board may consider whether any additional facilities and services are to be provided to the real estate within the District, or what other action, if any, should be taken with regard to the District.

Section 9-47. Recordation.

An abstract of this ordinance shall be recorded among the land records of the Clerk of the Circuit Court of Chesterfield County so as to place subsequent purchasers of any property located in the District on notice of the supplemental real estate tax imposed pursuant hereto.

(2) This ordinance shall take effect on January 1, 2006.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

16.B. TO CONSIDER AN ORDINANCE AMENDMENT RELATING TO MOTOR VEHICLE REGISTRATION AND PROVIDING FOR A FEE

Ms. Dickson stated this date and time has been advertised for a public hearing for the Board to consider an ordinance amendment relating to motor vehicle registration and providing for a fee. She stated staff is proposing that the Board eliminate the decal effective January 1, 2006, rather than immediately upon adoption, and replace it with an annual \$20 registration fee, which will be billed on the personal property tax bill like the decal fee has been. She provided benefits of eliminating the decals and stated many localities have eliminated decals or are considering elimination. She further stated the decal has always been a significant tax collection tool, noting that the county is now in a position to pursue delinquent collections more efficiently than in the past. She stated staff believes the vehicle decal is an antiquated tool for enforcing tax collection and recommends approval of the ordinance amendment.

In response to Mr. King's question, Ms. Dickson stated staff believes the elimination of the decal will be revenue neutral.

Mr. King stated he supports the ordinance amendment weighing its benefits.

Mr. Miller inquired whether the elderly and disabled would be required to pay the \$20 registration fee.

Ms. Dickson stated the elderly and disabled would be required to pay the \$20 fee. She further stated staff could explore the possibility of personal property tax relief for the elderly and disabled if the Board desires.

Mr. Miller stated he does not believe \$20 is a large amount of money per vehicle, but perhaps staff could take a look at

providing personal property tax relief in the future to the elderly and disabled.

Mr. Barber called for public comment.

No one came forward to speak to the ordinance amendment.

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND
RE-ENACTING SECTIONS 13-51, 13-52, 13-53. 13-54, 13-55,
13-56, 13-57, 13-58, 13-59. 13-60, 13-61, 13-62 and 13-63
RELATING TO MOTOR VEHICLE REGISTRATION AND PROVIDING FOR A
FEE

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 13-51, 13-52, 13-53. 13-54, 13-55, 13-56, 13-57, 13-58, 13-59. 13-60, 13-61, 13-62 and 13-63 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

Sec. 13-51. Required; exceptions.

- (a) An annual registration fee is hereby imposed upon every motor vehicle, trailer or semitrailer normally garaged, stored or parked in the county.
- (b) The provisions of this article shall not apply to the following:
 - (1) Any vehicle exempted by the provisions of Code of Virginia, §§ 46.2-663--46.2-683, as amended, and Code of Virginia, § 46.2-755, as amended;
 - (2) Any vehicle licensed pursuant to Code of Virginia, § 46.2-750, as amended; or,
 - (3) Any vehicle otherwise exempted by state law.
- (c) A registration fee will not be charged on:
 - (1) Vehicles owned by a volunteer rescue squad;
 - (2) Vehicles owned by a volunteer fire department;
 - (3) Vehicles owned or leased by a volunteer police chaplain. However, only one vehicle owned by the chaplain may qualify for the exemption provided by this subsection;
 - (4) Any vehicle displaying special permanent plates as approved and issued by the department of motor vehicles pursuant to Code of Virginia, § 46.2-739, as amended, to veterans with service-connected disabilities; and
 - (5) Vehicles owned or leased by an active member of a volunteer rescue squad, a volunteer fire department, or an auxiliary police unit; provided

that the member submits to the treasurer a certification, signed under oath by the chief or head of the member's volunteer organization, certifying the member's active membership for the six-month period prior to the registration fee being due and payable. However, only one vehicle owned by the member may qualify for the exemption provided by this subsection.

Sec. 13-52. Grace periods.

- (a) Purchasers of new or used motor vehicles are allowed a 90-day grace period, beginning with the date of purchase, during which to pay the registration fee imposed under this article.
- (b) New residents of the county are allowed a 90-day grace period, beginning with the date of residence in the county, during which to pay the registration fee imposed by this article.

Sec. 13-53. Amount of fee--Automobiles; motorcycles.

The annual registration fee on each passenger motor vehicle shall be \$20.00. The annual registration fee on each motorcycle shall be \$10.00.

Sec. 13-54. Same--Certain vehicles not displaying current plates.

A registration fee of \$100.00 shall be imposed upon the owner of every motor vehicle located in the county which vehicle does not display current license plates, and which is not exempted from the requirements of displaying such license plates under the provisions of Code of Virginia, §§ 46.2-650-46.2-750, as amended, Code of Virginia, § 46.2-1554, as amended, Code of Virginia, § 46.2-1555, as amended, unless the vehicle is in a public dump, in an automobile graveyard as defined in Code of Virginia, § 33.1-348, as amended, or in the possession of a licensed junk dealer or licensed automobile dealer. Any vehicle which is stored on private property for a period not in excess of 60 days for the purpose of removing parts for the repair of another vehicle shall be exempt from the provisions of this section. This section shall not apply to any vehicle being held or stored by or at the direction of any governmental authority, to any vehicle owned by a member of the armed forces on active duty, or to any vehicle regularly stored within a structure.

Sec. 13-55. Same--Trucks, trailers, buses, etc.

- (a) The annual registration fee on each truck not designed and used for the transportation of passengers, and not otherwise exempt from taxation shall be \$20.00.
- (b) The annual registration fee on each trailer and semitrailer shall be \$6.50.
- (c) In the case of a combination of tractor-trailer, or semitrailer, each vehicle constituting a part of such combination shall be registered as a separate vehicle

and a separate registration fee shall be paid for each vehicle.

- (d) The annual registration fee on each motor vehicle, trailer or semitrailer upon which well-drilling machinery is attached, and which is permanently used solely for transportation of such machinery, shall be \$12.00.

Sec. 13-56. Antique motor vehicles.

Upon receipt of an application on a form prescribed by the treasurer, the treasurer may recognize owners of antique motor vehicles as defined in Code of Virginia, § 46.2-100, as amended. There shall be a one-time registration fee of \$5.00 for the antique motor vehicle license while title to the antique vehicle is vested in the applicant.
(Code 1978, § 14.1-22)

Sec. 13-57. Vehicle registration fee year.

The vehicle registration year shall commence on January 1 of each year. The annual fee shall be payable June 5 of every year. The fee may be collected as taxes are collected.

Sec. 13-58. Reserved.

Sec. 13-59. Reserved.

Sec. 13-60. Issuing; transferability; payment of personal property taxes prerequisite to issuance.

Each person subject to this article shall apply for the registration upon forms prescribed by the treasurer of the county at places designated by the treasurer.

Failure to obtain the county registration or to pay the registration fee pursuant under the provisions of this article shall be considered a violation.

Sec. 13-61. Reserved.

Sec. 13-62. Restriction on keeping inoperable motor vehicles; removal of such vehicles.

- (a) It shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or otherwise shielded or screened from view, on any property zoned A, R, R-TH, R-MF, O and C, as those zoning classifications are defined in chapter 19, any motor vehicle, trailer or semitrailer, as such are defined in Code of Virginia, § 46.2-100, as amended, which is inoperable. As used in this section "shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.
- (b) Notwithstanding subsection (a) above, not more than one motor vehicle, trailer or semitrailer, as such are defined in Code of Virginia, § 46.2-100, as amended, which is inoperable may be kept outside of a fully enclosed building, provided it is shielded or screened

from view by covers, on any property zoned A, R, R-TH, R-MF, MH-1, MH-2, O and C, as defined in chapter 19, if the vehicle is kept in the rear yard of the property. The rear yard shall be the yard extending between the rear line of the lot and the nearest line of the rear of the main building on the lot.

- (c) The owners of property zoned A, R, R-TH, R-MF, MH-1, MH-2, O and C, as defined in chapter 19, shall remove from their property any inoperable motor vehicles, trailers or semitrailers which are in violation of this section, within ten days after being given notice by the county to remove such inoperable motor vehicles, trailers or semitrailers. Notice to remove shall be deemed given when mailed by certified mail, return receipt requested, to the same address to which real estate tax bills are mailed to such owners of property. If the owners of the property do not remove the inoperable motor vehicles, trailers or semitrailers from the property within ten days after being given notice to do so by the county, then the county, its agent or employees may remove the inoperable motor vehicles, trailers or semitrailers from the property. After giving an additional ten days' notice to the owners of the vehicles, the county may dispose of such motor vehicles, trailers or semitrailers. Notice of disposal of such motor vehicles, trailers or semitrailers is given when mailed by certified mail, return receipt requested, to the last known address of the owner of the inoperable motor vehicles, trailers or semitrailers. Notwithstanding the other provisions of this section, if the owner of such vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperable motor vehicle being used for restoration or repair may remain on the property.
- (d) The cost of removal and disposal of the inoperative motor vehicles, trailers and semitrailers shall be chargeable to the owners of the property from which the inoperable motor vehicles, trailers and semitrailers were removed or to the owners of the inoperable motor vehicles, trailers and semitrailers. The costs of removal and disposal may be collected in the same way that taxes and levies are collected. Every cost authorized by this section against the owner of the property from which the inoperative motor vehicles, trailers and semitrailers was removed shall constitute a lien against that property. The lien shall continue until payment of the assessed costs have been paid.
- (e) As used in this section, the term "inoperable motor vehicle" means any motor vehicle which is not in operating condition; or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or on which there are displayed neither valid license plates nor a valid inspection decal.
- (f) This section shall not apply to any business lawfully conducted on property that is zoned to permit the keeping of inoperable motor vehicles, trailers or

semitrailers; nor shall this section apply to a licensed business that on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

- (g) Compliance with this section shall not exempt any owner of an inoperable vehicle from the license tax imposed by section 13-54 of this Code.

Sec. 13-63. Violations.

- (a) Any person who violates any provision of sections 13-51 through 13-61 shall be guilty of a class 4 misdemeanor. Any person who violates any provision of section 13-62 of this article shall be guilty of a misdemeanor punishable as provided in section 1-5. The license inspector shall have police powers while performing his duties under the provisions of this article. The license inspector may issue a citation, summons, or uniform traffic summons, or have a warrant of arrest issued for any person charging him with a violation of the provisions of this article, as provided by law, and may serve, or cause to be served, a copy of the citation, summons, or uniform traffic summons, or cause the warrant to be executed in the manner provided by law. Return of the citation, summons, uniform traffic summons or arrest warrant shall be made to the proper court as provided by law.
- (b) No violation of this article by the registered owner of the vehicle shall be discharged by payment of a fine except upon presentation of satisfactory evidence that the required registration fee has been paid.

(2) That this ordinance shall become effective January 1, 2006.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

16.C. TO CONSIDER AN ORDINANCE WHICH WOULD ALLOW THE BOARD TO CONSIDER PETITIONS FOR THE CREATION OF COMMUNITY DEVELOPMENT AUTHORITIES (CDAs)

Mr. Micas stated this date and time has been advertised for the Board to consider an ordinance, which would allow the Board to consider petitions for the creation of Community Development Authorities (CDAs) for development or redevelopment purposes.

Mr. Barber called for public comment.

Mr. Roger Habeck, representing The Community Development Group, commended the Board for considering the proposed ordinance to allow consideration of petitions for the creation of CDAs. He expressed concerns relative to the need for tools to assist in redevelopment of distressed properties and requested the opportunity to assist in developing the rules and regulations of CDAs to ensure that small projects not be excluded.

Mr. Steve Erie, representing the Chesterfield Business Council, stated he supports the proposed ordinance and applauded the Board for the leadership it has shown by developing it.

There being no one else to speak to the ordinance, the public hearing was closed.

On motion of Mr. Miller, seconded by Mr. King, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY ENACTING
SECTION 2-100 RELATING TO THE ACCEPTANCE OF AUTHORITY
TO CONSIDER PETITIONS FOR THE CREATION OF COMMUNITY
DEVELOPMENT AUTHORITIES

BE IT ORDAINED BY THE Board of Supervisors of Chesterfield County:

(1) That Section 2-100 of the Code of the County of Chesterfield, 1997, as amended, is enacted to read as follows:

Section 2-100. Authority to consider petitions for the creation of community development authorities.

In accordance with the authority granted by Va. Code § 15.2-5152 (D), the county hereby elects to assume the power to consider the creation of community development authorities pursuant to Article 6 of Chapter 51 of Title 15.2 of the Va. Code.

(2) That this ordinance shall become effective immediately upon its adoption.

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

Mr. Barber stated this is another excellent tool that can be used in the short term to encourage development and redevelopment efforts.

Mr. Miller stated he believes this is an indication that the Board is committed to addressing increased business development in the county.

17. REMAINING MANUFACTURED HOME PERMITS AND ZONING REQUESTS

05SN0206

In Bermuda Magisterial District, DR. TAYLOR LYNE AND DR. GEORGEANNA M. LYNE request rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to Community Business (C-3) with Conditional Use to allow outside runs. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 7.3 acres fronting approximately 550 feet on the north line of Iron Bridge Road, also fronting approximately 500 feet on the west line of

Chalkley Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 778-653-8082 and 779-653-1379 (Sheet 26).

Ms. Rogers presented a summary of Case 05SN0206 and stated staff recommended approval of the rezoning request and denial of the Conditional Use and that Proffered Condition 6 not be accepted because of the potential for noise associated with the outside runs. She further stated the Planning Commission unanimously recommended approval and acceptance of the proffered conditions, noting that the proffered conditions restricted the use in such a way that it should not adversely affect the area.

Dr. Taylor Lyne stated the Planning Commission's recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

Mr. King made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 05SN0206 and accept proffered conditions.

Mrs. Humphrey noted that this is the 40th year the Lyne family has provided care for animals in the county.

Mr. Barber called for a vote on the motion of Mr. King, seconded by Mrs. Humphrey, for the Board to approve Case 05SN0206 and accept the following proffered conditions:

1. Prior to any site plan approval, right-of-way on the north side of Iron Bridge Road (Route 10), as shown on the plat titled "Plat Showing Three Parcels of Land With Proposed Easements Lying In The Bermuda District, Chesterfield County, Virginia Surveyed For Georgeanna M. Lyne" prepared by Austin Brockenbrough & Associates, L.L.P. and dated June 14, 2005, and the last revision dated July 18, 2005 shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
2. Direct access from the property to Route 10 shall be limited to one (1) entrance/exit, generally located towards the western part of the property (the "Route 10 Access"). This access shall be limited to right-turns-in and right-turns-out only. Direct access from the property to Chalkley Road shall be limited to one (1) entrance/exit, generally located at the northern property line (the "Chalkley Road Access"). The exact location of these accesses shall be approved by the Transportation Department. Prior to any site plan approval that includes development with access to Chalkley Road, an access easement, acceptable to the Transportation Department, shall be recorded across the property to provide shared use of the Chalkley Road Access with adjacent properties to the north. (T)
3. To provide an adequate roadway system, the developer shall be responsible for the following road improvements:

- a. Construction of an additional lane of pavement along the westbound lanes of Route 10 for the entire frontage of the parcel identified as Tax ID 779-653-1379.
 - b. Construction of additional pavement along the westbound lanes of Route 10 at the Route 10 Access to provide a separate right turn lane.
 - c. Construction of a sidewalk along the north side of Route 10 for the entire property frontage. The exact design and location of this improvement shall be approved by the Transportation Department.
 - d. Reconstruction of Chalkley Road to obtain adequate sight distance, as determined by the Transportation Department, along Chalkley Road at the Chalkley Road Access. The exact length and design of this improvement shall be approved by the Transportation Department.
 - e. Construction of an additional lane of pavement along Chalkley Road for the entire property frontage.
 - f. Construction of additional pavement along Chalkley Road at the Chalkley Road Access to provide left and right turn lanes, based on Transportation Department standards.
 - g. Modification of the traffic signal at the Chalkley Road/Route 10 intersection, as determined by the Transportation Department.
 - h. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for the road improvements described in Proffered Condition 3, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
4. Prior to site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 3, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require the road improvements identified in Proffered Conditions 3.d., 3.e, 3.f, and 3.g. to be provided with development that includes the Chalkley Road Access. In addition, the approved phasing plan shall require the right turn lane, described in Proffered Condition 3.b., to be provided with any

development that would cause the property's anticipated trip generation to equal or exceed 3,000 trips per day at the Route 10 Access, as determined by the Transportation Department. (T)

5. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
6. Outside run areas shall not exceed fifty percent (50%) of the gross floor area of the principal use. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.
Nays: None.

05SN0295

In Dale Magisterial District, FINER HOMES, INC. requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 62.8 acres fronting approximately 1,350 feet on the south line of Kingsland Road, also fronting approximately 1,450 feet on the west line of Salem Church Road and located in the southwest quadrant of the intersection of these roads. Tax IDs 776-671-9866; 777-671-1902 and 6199; 778-671-2430; and 778-672-0924 (Sheets 17 and 18).

Ms. Rogers presented a summary of Case 05SN0295 and stated an addendum submitted by the applicant corrects a typographical error in Proffered Condition 6, as well as amends Proffered Condition 3 to reduce the number of proposed lots from 125 to 110. She noted the Board would need to suspend its rules to consider the amended Proffered Condition because it was not submitted prior to advertisement of the request. She further stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions. She noted the request complies with the Central Area Plan.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable. He further stated the applicant has agreed to improve over one-half mile of road frontage on Kingsland and Salem Church Roads in addition to providing a full cash proffer. He stated the students generated by the proposed development can be accommodated in the county's school system, with the improvements at Bird High School and the recent redistricting. He requested the Board's support of the proposed development.

Mr. Barber called for public comment.

Mr. James Spencer, a resident of Kingsland Road, commended Finer Homes for amending their proposal. He expressed concerns relative to drainage issues and the need for widening Kingsland Road from the site of the proposed

development to Route 10, indicating that it is inadequate to handle additional traffic.

There being no one else to speak to the request, the public hearing was closed.

Mr. Miller called forward Mr. McCracken.

Mr. McCracken stated the applicant will overlay and pave each section of Kingsland and Salem Church Roads fronting the proposed development, provide right of way to straighten the road and provide for other future improvements, and also revise the centerline to address the drainage issue referred to by Mr. Spencer. He further stated, without the proposed development, it could be a long time before improvements would be made in this area, indicating that it has been on the Capital Improvement Program project list and the county's Six-Year Plan for road improvements for nearly 15 years. He stated the drainage improvements might be corrected with a culvert, but a bridge is more than likely necessary to address the alignment and drainage issues.

Mr. McElfish stated the area that drains into the vicinity of the proposed development is very large and includes the airport and industrial park property, as well as property west of Route 288. He further stated the proposed development is so small that the water should drain off of the property before the water from upstream arrives unless there is a large amount of rain for several days at a time. He noted the applicant will be required to meet Chesapeake Bay Act standards, and although the drainage situation may not be improved, it will also not worsen. He noted the drainage situation is a result of water drainage from upstream.

Mr. Scherzer stated he feels the applicant is doing his fair share, through the cash proffers and other improvements, in addressing the road and drainage issues.

Mr. Miller stated he considers the request infill development, and is pleased that the applicant has reduced the density from 2.0 to 1.75. He further stated he sees no improvements to Kingsland Road anytime soon without the proposed development, and there are no school capacity issues in this area.

Mr. Miller then made a motion, seconded by Mr. Warren, for the Board to suspend its rules to allow for consideration of the amended proffered conditions.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

On motion of Mr. Miller, seconded by Mr. King, the Board approved Case 05SN0295 and accepted the following proffered conditions:

1. Public water and wastewater shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:

- A) \$15,600.00 per dwelling unit, if paid prior to July 1, 2006; or
 - B) The amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - C) Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
- 3. The maximum density of this development shall not exceed one hundred and ten (110) lots. (P)
 - 4. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
 - 5. Direct access from the property to Kingsland Road and to Salem Church Road shall be limited to one (1) public road onto each roadway. The exact location of these accesses shall be approved by the Transportation Department. (T)
 - 6. Except for one driveway to serve the existing home on GPIN 778-671-2430, there shall be no private driveway access to Salem Church or Kingsland Roads. (T)
 - 7. Prior to tentative subdivision approval, a revised centerline for Kingsland Road based on VDOT Urban Minor Arterial Standards (50 MPH) with any modifications approved by the Transportation Department, shall be submitted to and approved by the Transportation Department. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way along the south side of Kingsland Road, measured from the centerline, and thirty-five (35) feet of right-of-way along the west side of Salem Church Road, measured from the centerline of that part of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
 - 8. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - A) Construction of additional pavement along Kingsland Road and along Salem Church Road at each approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
 - B) Widening/improving the south side of Kingsland Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a

seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage.

- C) Relocation of the ditch along Salem Church Road to provide an adequate shoulder, as determined by the Transportation Department, for the entire property frontage.
 - D) Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
9. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 8, shall be submitted to and approved by the Transportation Department. (T)
10. All required buffers shall be located within recorded open space. (P)
11. Manufactured homes shall not be permitted. (P)
12. The following shall be recorded as restrictive covenants in conjunction with the recordation of any subdivision plat:
- A) No manufactured homes, as defined by the Code of Virginia, shall be allowed to become a residence, temporary or permanent.
 - B) No family daycare homes (providing care to more than five (5) children) or group care facilities, as defined by the Chesterfield County Code, shall be permitted in any dwelling unit. (P)
13. The minimum gross floor area for each new dwelling unit shall be 1800 square feet. A maximum of thirty (30) homes shall be permitted to have a gross floor area of less than 2,000 square feet. (BI & P)
14. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)
15. In conjunction with the recordation of the initial subdivision plat, a public pedestrian access easement, of approximately thirty (30) feet in width along Reedy Branch Creek, shall be dedicated free and unrestricted, to and for the benefit of Chesterfield County. The exact location, width and treatment of this easement shall be approved by the Parks and Recreation Department. (P&R)
16. The following shall be recorded as deed restrictions in conjunction with the recordation of any subdivision plat:
- A) Proposed Declaration of Protective Covenants:

1. No lot shall be used except for residential purposes. No business uses (profit or non-profit) including home occupations shall be conducted on the premises. Home occupations may be permitted if approved by the Homeowners' Association. (P)
2. No improvements including, without limitation, a dwelling, accessory structure, or addition such as a carport, driveway, porch, sidewalk, roof, lamp post, fence, garage, or other outbuildings, landscaping, or, to the extent permitted by law, antenna, or similar device, or change in the exterior color or siding material shall be made, erected, altered, or replaced unless two sets of detailed plans and specifications, including a site plan locating all such improvements and describing exterior finishes (material and color, including roof) have first been submitted to and approved by Declarant in writing.
3. Declarant reserves unto itself the right and privilege to install gas lines, water lines, sewer lines, storm sewers, electric lines, telephone and telegraph poles, lines and wires, and other utilities and appurtenances in the street and roads of the Subdivision and along the property lines of the Lots, and to grant to other persons, companies, or corporations any or all of such rights and privileges, but the reservation of such rights shall not relieve any grantee from the obligation to pay the usual and customary charges made with respect to his Lot for the installation and/or connection of utilities.
4. In considering requests for approval of fences and hedges, the following general guidelines will be applied:
 - a. No fence shall be permitted in the front yard of any Lot (between the building setback line and street line).
 - b. No fence or hedge shall generally be permitted higher than 42 inches of any Lot.
 - c. No chain link fences or fences of other materials similar in nature or appearance will be permitted on any Lot.
5. Declarant may in its absolute discretion waive or modify these guidelines and consider such other criteria as it shall deem appropriate.
6. No sign of any kind shall be displayed to public view on any Lot, unless first approved in writing by Declarant, except on sign of notmore than four (4) square feet advertising the property for sale or rent, or signs used

by a the initial construction and sales period.

7. No use shall be made of any Lot, or any part thereof which constitutes a nuisance or which would adversely affect the value or marketability of other Lots, No stables, swine, sheep, cows, or the like shall be permitted on any Lot. All trash, garbage and/or rubbish shall be kept in sanitary containers located so as not to be visible from a public street except as necessary for limited times in connection with pickup and removal by disposal services and except during periods of construction.
8. No driveway, entranceway, or sidewalk shall be constructed on any Lot unless approved as provided in paragraph 2.
9. No swimming pool shall be located nearer to any street line than the rear building line of the dwelling.
10. No structure of a temporary character or any trailer, tent, barn, or other outbuildings shall be used on any Lot at any time as a residence, either temporarily or permanently.
11. No trees over six (6) inches in diameter shall be removed from any Lot without the prior written approval of Declarant.
12. No portable air conditions units will be place in any window of a dwelling or other building if visible from a public street.
13. No exterior television antenna (including "dish" type) or other antennas shall be permitted to extend over five (5) feet above the roofline of any building, except as otherwise permitted by law.
14. No motor vehicle will be parked on or adjacent to any Lot which does not have a current state license, state inspection sticker, and county license, and no commercial vehicle, such as a school bus, delivery truck, or other large vehicle or equipment will be parked on a street in the subdivision or on any Lot. No recreational vehicle (mobile home, camping trailer, and other similar vehicles) shall be parked on a street in the Subdivision or on a Lot except in a driveway shown on plans that have been approved as provided in Paragraph 2.
15. Any one or more of the covenants or restrictions imposed by paragraphs 1 through 14 above may be waived or modified, in whole or in part, as to the entire Subdivision or and part thereof, by written instrument signed by Declarant and recorded where these restrictions are recorded.

16. In addition to the foregoing conditions and restrictions, the Lots shall be subject to easements for drainage and utilities, including power and telephone lines, as shown on the plat, and any other easements of record at the time of conveyance of any Lot.
17. Invalidation of any one of the provisions of these restrictions by judgement, court order, or otherwise shall in no way affect any of the other provisions which shall remain in full force and effect.
18. Declarant reserves the right to assign and transfer to any person, persons, or entity some or all of its rights provided herein and in such event such transferee shall have and may exercise all such rights to the same extent as if he, they, or it were the Declarant.
19. Declarant shall have the full right and privilege to enforce all restrictions and conditions contained herein by appropriate proceeding at law for damages and/or in equity for appropriate injunctive relief and restraining orders to prevent violations, or to require violations to be corrected, together with damages sustained including, without limitation, attorneys' fees and costs. In addition, any Owner shall have, after seventy-five percent (75%) or more of the Lots have been conveyed to purchasers other than builders, the right to enforce compliance with these restrictions as provided in this paragraph.
20. These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof, and shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or governmental authority having jurisdiction over the Property.
21. Declarant, as owner of all of the Property subjected to the Declaration, shall, at such time as it deems appropriate, cause to be incorporated under the laws of the Commonwealth of Virginia a non profit corporation to be named "Bendahl Valley Homeowner's Association" or a similar name (the "Association").

22. All Owners shall be members ("Members") of the Association and shall be entitled to one (1) vote, per each Lot owned by them (provided, however, that if a Lot is owned by more than one owner, the owners of such Lot shall be entitled to only one vote between them), on all matters which are required to be decided by a vote of the Members of the Association.
23. The Members shall annually elect a five (5) member board of directors (the "Board of Directors") which shall be responsible for operating the Association, provided, however, that until such time as eighty-five percent (85%) of the Lots are owned by persons other than builders of the Declarant, the Board of Directors shall consist of five (5) directors all of whom shall be selected by the Declarant.
24. Each year the Board of Directors shall prepare an annual budget (the "Budget") containing an itemization of the expenses, which it anticipates, the Association will incur during the upcoming year to fulfill its responsibilities hereunder. The Budget shall be sent to each owner together with a notice of assessment (the "Annual Assessment") for the owner's pro rata share of the budget, which shall be computed by dividing the total Budget by the number of Lots. Upon receipt of the Annual Assessment, each Owner shall be required to make payment of the same in the manner designated by the Board of Directors.
25. In addition to any Annual Assessments, the Association may levy in any assessment year a special assessment (the "Special Assessment") applicable to that year only for the purpose of defraying in whole or in part the cost of any reconstruction, unexpected repair, or replacement of a capital improvement, including the necessary fixtures and personal property related thereto, provided that any such Special Assessment shall have the consent of the Owners of two-thirds (2/3) of the lots.
26. Any Annual Assessment or Special Assessment (the "Assessments") which is not paid by an Owner within such time as shall be determined by the Board of Directors shall bear interest at a rate per annum determined by the Board of Directors from such date until paid and shall constitute a lien upon the Lot owned by such Member. Such lien shall have priority over all other liens including, without limitation, mortgages, deeds of trust, or any other lien hereafter placed upon any Lot, except a first mortgage of deed of trust securing a loan by a bona fide institutional lender to which such lien shall be subordinate. No Owner may waive or escape liability for the assessments

hereunder for any reason. No sale or other transfer shall relieve any owner from liability for any Assessments due nor any Lot from the lien of any Assessments. The amount of any such lien may be enforced by suit or otherwise at the election of the Association and the Owner shall be required to reimburse the Association for all attorneys' fees and expenses incurred in so doing, the amount of which shall also constitute a lien on the Lot as herein provided. Notwithstanding the above, a party who acquires title to a Lot by virtue of the foreclosure of lien secured by a first mortgage of deed of trust to which this lien is subordinate or by a deed or assignment in lieu of foreclosure any liability of lien chargeable to such Lot on account of any period of time prior to such acquisition of title. Said acquiring party shall, however, be bound by the provisions of this Declaration including, without limitation, Assessments effective after said acquisition of title.

27. The Declarant hereby reserves the right, at Declarant's sole discretion, to add the Additional Land to the property subject to the Declaration of Protective Covenants. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

06SN0114

In Bermuda Magisterial District, INTERNATIONAL TRUCK SALES OF RICHMOND, INC. requests rezoning and amendment of zoning district map from Light Industrial (I-1) to General Industrial (I-2) with Conditional Use to permit truck service and repair and retail sale of truck parts. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 4.1 acres fronting approximately 160 feet on the south line of West Hundred Road, also fronting approximately 780 feet on the north line of Ware Bottom Spring Road. Tax IDs 805-653-3722 and 7422 (Sheet 27).

Ms. Rogers presented a summary of Case 06SN0114 and stated the Planning Commission and staff recommended approval subject to one condition and acceptance of the proffered conditions. She noted the request conforms to the Consolidated Eastern Area Plan and that the county's zoning ordinance addresses screening of outside storage areas and areas used to store vehicles which are awaiting body or major engine repair.

Mr. Mark Igou, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

Ms. Andrea Epps stated truck repair businesses are very important and necessary facilities.

There being no one else to speak to the request, the public hearing was closed.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 06SN0114 subject to the following conditions:

The retail sale of truck parts shall be accessory to, and only in conjunction with the truck service and repair operation. (P)

And, further, the Board accepted the following proffered conditions:

1. Within sixty (60) days of a request by the Transportation Department, right-of-way on the south side of West Hundred Road (Route 10) as shown on the Route 10 widening plans (VDOT Project 0010-020-127, C-501, RW-201) shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
2. There shall be no direct access from the property to Route 10. (T)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

18. ADJOURNMENT

On motion of Mr. Barber, seconded by Mr. Miller, the Board adjourned at 9:11 p.m. until December 14, 2005 at 3:30 p.m.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Lane B. Ramsey
County Administrator

Edward B. Barber
Chairman